

Application Serial No. 09/533,361  
Response to Office Action dated March 24, 2006

**REMARKS/ARGUMENT**

Claims 1-3, 17-22 and 24-47 are currently pending.

The Office Action rejected claims 1, 3, 17, 18, 20, 21, 24 and 35-47 under 35 U.S.C. § 103 as obvious over WO 98/03155 (“Sebag”) in view of U.S. patent 4,963,353 (“Sidhu”), claims 1, 3, 17, 18, 20-22, 24, 27-30 and 34-47 under 35 U.S.C. § 103 as obvious over U.S. patent 5,879,684 (“Fox”) in view of Sebag, and claims 1, 3, 17-22 and 24-47 under 35 U.S.C. § 103 as obvious over Fox in view of U.S. patent 5,468,477 (“Kumar”). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of these rejections.

The rejections in the Office Action do not set forth a *prima facie* case of obviousness.

Regarding the rejection based on Sebag and Sidhu, Applicants have previously addressed and overcome this rejection in their response dated July 8, 2002.<sup>1</sup> Specifically, this combination of references cannot teach or suggest the claimed methods because Sebag teaches immediately rinsing off his compositions after application. Because Sebag's compositions are rinsed off, no anti-aging benefits can be obtained, primarily because no film is allowed to form on skin.

In the most recent Office Action, it was asserted that motivation to combine Sebag and Sidhu to yield the claimed invention would have existed because (a) Sebag envisioned adding cosmetic additives to his compositions; and (2) Sidhu teaches that biological extracts tighten skin and eliminate skin spots. However, this asserted motivation ignores the fact that

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<sup>1</sup> This ground of rejection was first made in paper No. 12. In consideration of Applicants' response of July 8, 2002, the rejection was withdrawn and not repeated in the next Official Action mailed 9/18/02.

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Sebag teaches that his compositions are quickly rinsed off. No matter what ingredients are added to Sebag's compositions, the compositions will not have an anti-aging effect because they are rinsed off almost immediately after application – they do not have sufficient time to reduce cutaneous signs of aging/wrinkles.

Furthermore, the methods as claimed herein require applying “an effective amount” of the noted grafted silicone polymer to skin with the intent of using the claimed polymers to reduce cutaneous signs of aging/wrinkles. (See Jansen and Abbott cases cited in previous responses). Again, because Sebag's compositions are rinsed off, no anti-aging benefits can be obtained, meaning that Sebag's compositions are not used in an “effective amount” and that Sebag cannot teach or suggest using the claimed polymers with the intent of reducing cutaneous signs of aging/wrinkles. Thus, the combination of Sebag and Sidhu cannot yield the claimed invention.

Regarding the rejection based on Fox and Sebag, the Office Action recognized that Fox does not relate in any way to the claimed polymers. Thus, nothing in Fox teaches or suggests using an effective amount of the claimed grafted silicone polymers to reduce cutaneous signs of aging. As noted above, Sebag's rinse-off compositions cannot teach or suggest using an effective amount of the claimed polymers with the intent of reducing cutaneous signs of aging/wrinkles. Thus, the combination of Fox and Sebag cannot yield the claimed invention. Moreover, nothing in Sebag would motivate one skilled in the art to select the claimed grafted silicone polymer from the myriad silicone compounds disclosed in Sebag for inclusion into Fox's compositions with the expectation that the claimed polymer would result in a reduction of cutaneous signs of aging/wrinkles.

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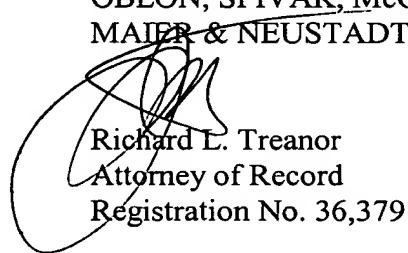
Finally, regarding the rejection based upon Fox and Kumar, the Office Action asserted that it would have been obvious to substitute Kumar's film-forming polymers for Fox's tensor agents in Fox's compositions and methods. However, Fox relates to tensor agents, and tensor agents are different from film-forming agents. That is, not all tensor agents are film-forming agents, and *vice versa*. Thus, Fox's disclosure concerning tensor agents neither teaches nor suggests any utility for Kumar's film-forming polymers. Accordingly, the combination of Fox and Kumar cannot yield the claimed invention.

For all of the above reason, Applicants respectfully submit that no *prima facie* case of obviousness exists. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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